IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.67008-M of 2006
Date of Decision:- 12.1.2007

Ran Singh @ Raina ....Petitioner(s)

through
Mr.A.S.Trikha, Advocate

vs.

The State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing 10 years' rigorous imprisonment for an offence under Section 394/397 IPC, is aggrieved at the order dated 18.10.2006 (Annexure P-1) passed by the Director General of Prisons, Haryana, whereby his request for parole for house repairs has been turned down on the ground that his house is not fit for repairs and if so required, his brother can get it repaired and that in the event of the petitioner's release on parole, there is an apprehension of breach of peace in the village.

Somewhat similar stand has been taken in the written statement filed on behalf of the respondents.

From the pleadings, it is apparent that there is no dispute that the petitioner owns a house in the village. However, the report of the District Magistrate as well as the impugned order are totally evasive and do not mention as to whether the petitioner's house is in such a good condition that it does not require repairs or it is so badly damaged that it cannot be repaired. As far as the availability of petitioner's unmarried brother is

concerned, suffice it to say, the petitioner cannot compel him to carry out the repairs in the petitioner's house unless the said house is jointly owned by them. No such reason has been assigned in the impugned order.

For the aforestated reasons, this petition is allowed to the extent that the impugned order dated 18.10.2006 (Annexure P-1) is quashed and a direction is issued to the Director General of Prisons, Haryana, to reconsider the petitioner's case for parole for house repairs in the light of the observations made hereinabove and after obtaining a definite report from the District Magistrate. The necessary decision shall be taken within a period of one month from the date of receipt of certified copy of this order.

January 12, 2007 **(SURYA KANT)**
poonam **JUDGE**